

### **REMARKS**

Claims 1-7 and 10 remain pending in this application. Each of the pending claims is believed to define an invention that is novel and unobvious over the cited references. Favorable reconsideration of this case is respectfully requested.

Regarding the objection to claims 1 and 10, claims 1 and 10 are amended to correct the informality noted by the Examiner. Therefore, the withdrawal of the objection to claims 1 and 10 respectfully requested.

Claims 1-7 and 10 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,768,602 to Dhuey.

Dhuey does not disclose a controller that suspends all further processing of the time performance constraints after initiating operations in an event control unit. Instead Dhuey describes a device that provides clock signals at various speeds. Dynamic speed switch is used to reset timing sensitive elements such that computer machine speed can be changed dynamically without interruption of various services and functions, please see column 3, line 66 – column 4, line 13 of Dhuey. The portions of Dhuey cited by the Examiner, column 9, lines 27-30 and 5-19, as describing suspending all further processing of time performance constraints appear to simply discuss changing clock speeds. Once a clock speed is changed, the various components must recalculate their timing network dependency using the new timing constants based on the change in clock speed. The sleep mode of Dhuey is simply a change in the clock wave forms. By running the computer at a slower speed is possible to save power. Nonetheless, Dhuey does not disclose any controller suspending all further proceeding of time performance constraints after initiating operations in the event control unit as recited in the claims.

No claim recitation can be ignored in determining anticipation. See *Pac-Tex, Inc. v. Amerace Corp.*, 14 U.S.P.Q.2d 187, (Fed. Cir. 1990). Anticipation requires the disclosure, in a prior art reference, of each and every recitation as set forth in the claims. See *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985), *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986), and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1241 (Fed. Cir. 1986). There must be no difference between the claimed invention

and reference disclosure for an anticipation rejection under 35 U.S.C. 102. See *Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001 (CAFC, 1991) and *Studiengesellschaft Kohle GmbH v. Dart Industries*, 220 U.S.P.Q. 841 (CAFC, 1984).

In view of the above, it is respectfully submitted that all pending claims are now in allowable form. Early issuance of a Notice of Allowance is respectfully solicited.

If the Examiner is of the opinion that the prosecution of this application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arrange for such an interview.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Commissioner is authorized to charge any fee necessitated by this Amendment to our Deposit Account No. 22-0261.

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Respectfully submitted,

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